

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

2007 OCT 26 A 8:40

NATHANIEL WILLIAMS, )

Plaintiff, )  
REBRA P. HACKETT, CLK  
MONTGOMERY, ALA  
)  
v. )  
FOLEY PIPE PRODUCTION COMP., )  
BOB SAPONE AND STEVE VICK, )  
Defendants. )

CIVIL ACTION NO.  
2:07CV963-WKW

**DEFENDANTS' NOTICE OF REMOVAL**

COME NOW Defendants Foley Products Company, incorrectly named as "Foley Pipe Production Comp.," Steve Vick and Bob Sapone (hereinafter "Defendants"), pursuant to 28 U.S.C. §§ 1331, 1343, 1441, 1443 and 1446, and give notice of the removal of this civil action from the Circuit Court of Montgomery County, Alabama, to the United States District Court for the Middle District of Alabama, Northern Division. In support of the removal of this action, Defendants show as follows:

1. This Notice of Removal is timely because it has been filed within 30 days of the service of the Summons and Complaint upon Defendants. 28 U.S.C. § 1446(b). Plaintiff commenced this action in an Alabama state court on June 19, 2007, by filing of the Complaint in the Circuit Court of Montgomery County, Alabama. *See* Complaint at 1 (reflecting Circuit Clerk's stamp showing June 19,

2007, as the date of filing). Defendants were each served with the Summons and Complaint by process server on October 8, 2007. See **Exhibit 1**, the service returns on each of the Defendants, reflecting October 8, 2007 as the date of service as to each of the Defendants.

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343. Specifically, Plaintiff's Complaint consists of civil rights claims "arising under the Constitution, laws, or treaties of the United States, namely Title VII of the Civil Act of 1964 [42 U.S.C. § 2000e], 42 U.S.C. § 1981, 42 U.S.C. § 1985 and the 14<sup>th</sup> Amendment of the United States Constitution. *See* Complaint at 13, 15, 19 and 22.

3. Venue is proper in this judicial district and division because Defendants have removed this action "to the district court of the United States for the district and division embracing the place where such action is pending." 28 U.S.C. § 1441(a); 28 U.S.C. § 81(b)(1) ("The Northern Division [of the Middle District of Alabama] comprises the counties of Coosa, Covington, Crenshaw, Elmore, Lowndes, Montgomery and Pike.").

4. **Exhibit 2** is a certified copy of all process, pleadings and orders served upon Defendants in the State Court action, which Defendants submit to the Court in accordance with 28 U.S.C. § 1446(a).

5. A copy of the "Notice of Filing of Notice of Removal with United States District Court" that Defendants are contemporaneously filing with the Circuit Court of Montgomery County, Alabama, is attached hereto as **Exhibit 3**.

WHEREFORE, Defendants Foley Products Company, Steve Vick and Bob Sapone give notice of the removal of this action from the Circuit Court of Montgomery County, Alabama, to this Court.

  
\_\_\_\_\_  
STEVEN M. STASTNY  
ASB-7803-S71S  
  
\_\_\_\_\_  
SUSAN W. BULLOCK  
ASB-2035-U81S

Counsel for Defendants

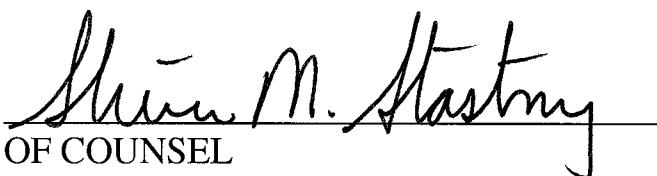
**OF COUNSEL:**

FORD & HARRISON LLP  
2100 3<sup>rd</sup> Ave. N., Ste. 400  
Birmingham, AL 35203  
Tel. (205) 244-5900  
Fax (205) 244-5901

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 26<sup>th</sup> day of October, 2007 served a copy of the foregoing document, Defendants' Notice of Filing of Notice of Removal with United States District Court, upon the all counsel of record indicated below by mailing a copy of same via first-class United States Mail, postage prepaid and addressed as follows:

Norman Hurst, Jr., Esq.  
462A Sayre Street  
Montgomery, Alabama 36104

  
\_\_\_\_\_  
OF COUNSEL

Birmingham:18298.1

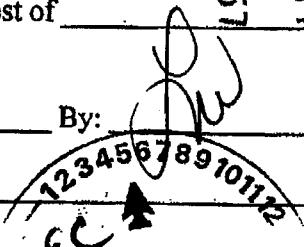
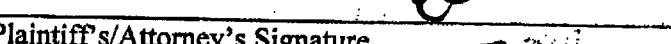
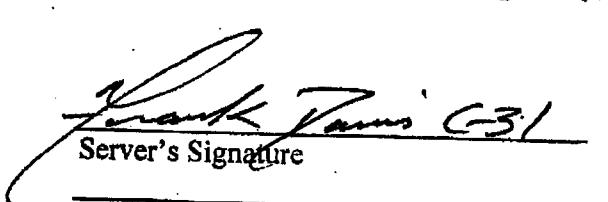
WAS

## EXHIBIT 1

State of Alabama Unified Judicial System Form C-34 Rev 6/88	SUMMONS -CIVIL-	Case Number CV 07-984
IN THE <u>CIRCUIT</u> COURT OF <u>MONTGOMERY</u> COUNTY		
Plaintiff <u>NATHANIEL WILLIAMS</u> , Defendant <u>FOLEY PIPE</u> <u>PRODUCTION COMPANY</u>		
NOTICE TO <u>1091 SCOTT DRIVE, CLANTON, AL 35045</u>		
<p>THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF OR PLAINTIFF'S ATTORNEY <u>NORMAN HURST</u> WHOSE ADDRESS IS <u>462 SAYRE STREET, MONTGOMERY, AL 36104</u></p>		
<p>THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN <u>30</u> DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.</p>		
<p>TO ANY SHERIFF OR ANY PERSON AUTHORIZED by the Alabama Rules of Civil Procedure:</p> <p><input type="checkbox"/> You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant.</p> <p><input type="checkbox"/> Service by certified mail of this summons is initiated upon the written request of _____ pursuant to the Alabama Rules of Civil Procedure.</p>		
Date <u>8/27/07</u>	<p><i>Melissa Pittman</i> By: <i>JW</i> Clerk/Register</p>	
<input type="checkbox"/> Certified Mail is hereby requested.	Plaintiff's/Attorney's Signature	
RETURN ON SERVICE:		
<input type="checkbox"/> Return receipt of certified mail received in this office on _____		
<p><input checked="" type="checkbox"/> I certify that I personally delivered a copy of the Summons and Complaint to <u>Julia</u> (Date) <u>THOMAS</u> in <u>Chilton</u> County, Alabama on <u>October 8 2007</u> (Date)</p>		
<u>October 8 2007</u> Date	<p><i>Frank Davis C-31</i> Server's Signature</p>	
<u>500 2nd Ave N Clanton</u> Address of Server	Type of Process Server	

WAS

N/C 10-05-07 E-15

State of Alabama Unified Judicial System Form C-34 Rev 6/88	<b>SUMMONS -CIVIL-</b>	Case Number <b>CV-07-984</b>
IN THE <u>CIRCUIT</u> COURT OF <u>MONTGOMERY COUNTY</u>		
Plaintiff <u>NATHANIEL WILLIAMS</u> v. Defendant <u>BOB SAPONE</u>		
NOTICE TO <u>1091 SCOTT DRIVE, CLANTON, AL 35045</u>		
<p>THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF OR PLAINTIFF'S ATTORNEY <u>NORMAN HURST</u> WHOSE ADDRESS IS <u>462 SAYRE STREET, MONTGOMERY, AL 36104</u></p>		
<p>THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN <u>30</u> DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.</p>		
TO ANY SHERIFF OR ANY PERSON AUTHORIZED by the Alabama Rules of Civil Procedure:		
<input type="checkbox"/> You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant.		
<input type="checkbox"/> Service by certified mail of this summons is initiated upon the written request of <u>Wilson Pittman</u> pursuant to the Alabama Rules of Civil Procedure.		
Date <u>8/21/07</u>	Clerk/Register	By: 
<input type="checkbox"/> Certified Mail is hereby requested.		
Plaintiff's/Attorney's Signature 		
RETURN ON SERVICE:		
<input type="checkbox"/> Return receipt of certified mail received in this office on _____		
<input checked="" type="checkbox"/> I certify that I personally delivered a copy of the Summons and Complaint to <u>Thomas</u> in <u>Chilton</u> County, Alabama on <u>October 8 2007</u> (Date)		
<u>October 8 2007</u> Date <u>500 2nd AVE N Clanton</u> Address of Server		
 Frank Davis G-31 Server's Signature		
Type of Process Server		

WPS

State of Alabama  
Unified Judicial System

Form C-34 Rev 6/88

SUMMONS  
-CIVIL-

Case Number

CV-07-984

IN THE CIRCUITCOURT OF MONTGOMERY COUNTYPlaintiff NATHANIEL WILLIAMS v. Defendant STEVE VICK

D3

NOTICE TO 1091 SCOTT DRIVE, CLANTON, AL 35045

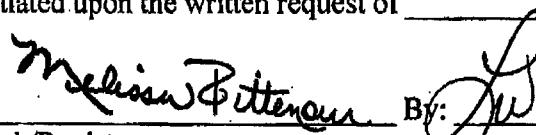
THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF OR PLAINTIFF'S ATTORNEY NORMAN HURST WHOSE ADDRESS IS 462 SAYRE STREET, MONTGOMERY, AL 36104

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED by the Alabama Rules of Civil Procedure:

You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant.

Service by certified mail of this summons is initiated upon the written request of \_\_\_\_\_ pursuant to the Alabama Rules of Civil Procedure.

Date 8/27/07


Clerk/Register

Certified Mail is hereby requested.

Plaintiff's/Attorney's Signature

## RETURN ON SERVICE:

Return receipt of certified mail received in this office on \_\_\_\_\_

(Date)

I certify that I personally delivered a copy of the Summons and Complaint to Julia Thomas in Chilton County, Alabama on October 8, 2007 (Date)

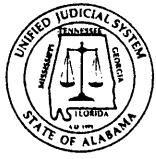
October 8, 2007

Date

500 2nd Ave N Clanton  
Address of Server


Server's Signature

Type of Process Server

**EXHIBIT 2****Melissa Rittenour**, Clerk and Register, Circuit Court Montgomery County

Telephone (334) 832-1260

Montgomery County Courthouse, P.O. Box 1667, Montgomery, AL 36102-1667

TO WHOM IT MAY CONCERN:

I, MELISSA RITTENOUR, CLERK OF THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA, DO HEREBY CERTIFY THAT THE ATTACHED ARE TRUE AND CORRECT COPIES OF DOCUMENTS ON FILE IN SAID OFFICE IN THE CASE ENTITLED:

CV-07-984

*Nathaniel Williams vs. Zoley Pipe Prod.*

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE SEAL OF SAID COURT AT OFFICE IN THE CITY OF MONTGOMERY, ALABAMA, ON THIS 25th DAY OF Oct, 2007.

CLERK, CIRCUIT COURT  
MONTGOMERY COUNTY, ALABAMA

State of Alabama Unified Judicial System Form C-10 (front) Rev. 8/92		<b>AFFIDAVIT of SUBSTANTIAL HARDSHIP and ORDER</b>	
		Case Number CV-07-984	
IN THE <u>CIRCUIT</u> COURT OF <u>MONTGOMERY</u> COUNTY			
<input type="checkbox"/> STATE OF ALABAMA <input type="checkbox"/> MUNICIPALITY OF <u>NATHANIEL WILLIAMS</u>			
v. <u>FOLEY PIPE PRODUCTION COMPANY, et al.</u> , Defendant			
TYPE OF PROCEEDING: _____ CHARGE: _____			
<input checked="" type="checkbox"/> CIVIL CASE - I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case. <input type="checkbox"/> CIVIL CASE (such as paternity, support, termination of parental rights, dependency) - I request an attorney be appointed for me. <input type="checkbox"/> CRIMINAL CASE - I am financially unable to hire an attorney and request that the Court appoint one for me. <input type="checkbox"/> DELINQUENCY/NEED OF SUPERVISION - I am financially unable to hire an attorney and request that the Court appoint one for my child.			
<b>AFFIDAVIT</b>			
<b>I N C O M E / E M P L O Y M E N T</b>	A. Do you have a job or work for yourself? Employer's name and address <u>City of Montgomery (Park + Rec)</u> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
	How much money do you take home each week? <u>Bi-week</u> + \$ <u>530.</u>		
	B. If unemployed, give month and year of last employment and amount earned per month _____ \$ _____		
	C. Does your husband or wife have a job? Employer's name and address _____ How much money does he/she take home each week? + \$ <u>20</u> <u>NO</u>		
<b>A S S E T S</b>	D. Do you receive money or benefits from any other source? (Example: retirement pay, social security, workmen's compensation, unemployment compensation, food stamps, rent payments, interest, dividends, etc.) How much do you receive each month? + \$ <u>10</u> <u>NO</u>		
	A. Do you have any money in any bank, savings and loan, credit union, or any other place, including cash on hand? Where? _____ How much? + \$ <u>5</u> <u>NO</u>		
	B. Do you own anything else of value? (Land, house, boat, television, stereo, jewelry, car, truck, van, stocks, bonds, etc.) What? <u>86 Ford Ranger Truck</u> <u>Television</u> <u>stereo</u> Total Value + \$ <u>1300</u>		
	A. Are you: <input checked="" type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/> Separated? B. Do you have any dependents? Who and what relationship? <u>Son</u> <u>Justus Williams</u> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

Form C-10 (back) Rev. 8/92

## AFFIDAVIT of SUBSTANTIAL HARDSHIP and ORDER

What does it cost you to live each month?

	Creditor	Total Debt	Monthly Payment
D	Loans	\$	\$
E	Charge Accounts		
B	House or rent payments		800.00
T	Alimony		
S	Support		
	Car payment		
	Groceries		100.00
	Utilities		100.00

In support of this request, I have answered the above questions relating to my ability to pay. I swear that the answers are true and reflect my present financial status. I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury.

I further understand and acknowledge that if the Court appoints an attorney to represent me, the Court may require me to pay the fees and expenses of my court-appointed counsel and costs of court.

Sworn to and subscribed before me this

Affiant Signature

Home Address 3223 Fairfax Rd

Montgomery 36109

Social Security Number 424-13-3583

Date of Birth 1-1-50

Judge/Notary

## ORDER

IT IS ORDERED THAT THE FOREGOING REQUEST BE:

GRANTED       DENIED

IT IS THEREFORE, ORDERED AND ADJUDGED BY THE COURT THAT (Check one or more of the following boxes, as appropriate):

- Attorney at Law, be and is hereby appointed as counsel to represent, assist and defend in this (these) case(s).
- the prepayment of the docket fee be waived.
- the Court reserves the right and may order reimbursement of attorney's fees, expenses approved by the Court and paid to the appointed counsel, and costs of Court.

DONE this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

Judge

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, ALABAMA

NATHANIEL WILLIAMS  
Plaintiff,

v.

FOLEY PIPE PRODUCTION, COMP.,  
STEVE VICK, & BOB SAPONE, in their  
individually, and in official capacity  
Defendant.

\* \* \* \* \*

\* Case Number: CV-07-984

## COMPLAINT

Plaintiff, Nathaniel Williams files this complaint asserting various causes of actions and for damages pursuant to 28 U.S.C. § 1331 et seq. In support of this complaint, plaintiff would show the court the following:

## I. PARTIES

PL 57

1. That Plaintiff, Nathaniel Williams, is a resident of Montgomery, County Alabama and is over the age of 19.
2. That Defendant, Foley Pipe Production Company is a corporation duly organized under the laws of the State of Alabama.
3. That Defendant, Steve Vick, is and employee of Foley Pipe Production Company and is its Operations Manager and is sued in his official and individual capacity.
4. That Defendant, Bob Sapone, is an employee of Foley Pipe Production Company and is employed as the Plant Manager and is sued in his official and individual capacity.

## II. FACTS

5. That the Plaintiff, Nathaniel Williams, a resident of Montgomery, Alabama was employed with

FILED  
CIRCUIT COURT OF  
MONTGOMERY COUNTY  
the 19 JUN 19 2007  
4:57 PM  
Dove

Foley Pipe Production Company (hereinafter Foley) as a forklift operator on or about May 16, 2006.

6. That plaintiff was interviewed by the vice-president of Foley, Chris, white male and Office Manager Gwen Margaritondo, white female and was told at time of hiring he would be a crane operator and future supervisor.
7. That on or about May 22, 2006 the Plaintiff was asked if he would like to be a crane operator by Bob Sapone, white male.
8. That on May 23, 2006 the Plaintiff was told to start working at the Header Cart Station, by Bob Sapone and Craig, white male was given duties as a crane operator.
9. That during the periods of June 8, 2006 until June 15, 2006, the plaintiff learned various duties including but not limited to MBK, and Robot.
10. That on or about June 19, 2006 Patrick, a white male was hired as a crane operator and that on June 26, 2006 James, a white male was hired as a crane operator. Plaintiff was not informed of these positions nor given an opportunity to apply.
11. That on or about June 27, 2006 plaintiff inquired why he had not been promoted as promise to a crane operator. It was at this time Bob Sapone said in an aggressive tone that he would rotate the same when he was ready.
12. That on or about July 17, 2007 plaintiff was fired, no reason was given for termination.

### III. JURISDICTION

13. This Court has jurisdiction of this action pursuant to Title VII, Section 703, 42 U.S.C. § 1981, 1985, 28 U.S.C. § 1331.

### COUNT I

14. That the Plaintiff's repeats, realleges, and incorporates by reference the proceeding paragraphs.

15. That Foley deprived Mr. Williams, a black employee of his 14<sup>th</sup> Amendment rights which under similar circumstances were accorded to white employees which violated his Title VII Section 703 and 42 U.S.C.A. 1981.
16. Mr. Williams was deprived of his civil rights because of his race in ~~order to discriminate against him in favor of less educated and qualified white employees.~~
17. Mr. Williams was deprived of such rights by; the promotion of less educated and qualified white employee, white applicants with less experience and education was hired as a crane operator, by not positing positions and according white employees with better treatment in respect to job duties, time off, and disciplinary actions.

COUNT II

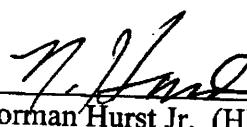
18. That the Plaintiff's repeats, realleges, and incorporates by reference the proceeding paragraphs.
19. That Steve Vick, Bob Sapone, and Chris deprived Mr. Williams, a black employee of his constitutional rights which under similar circumstances were accorded to white employees which violated his 42 U.S.C.A. 1985.
20. Mr. Williams was deprived of his civil rights because of his race in order to discriminate against him in favor of less educated and qualified white employees and Mr. Vick, Sapone, along with Chris conspired with one another to prohibit Mr. Williams from becoming a crane operator and in the terms and conditions of his employment.
21. Mr. Williams was deprived of such rights by; the promotion of less educated and qualified white employee, white applicants with less experience and education was hired as a crane operator, by not positing positions and according white employees with better treatment in respect to job duties, time off, and disciplinary actions.

COUNT III

22. That the Plaintiff's repeats, realleges, and incorporates by reference the proceeding paragraphs.
15. That Foley deprived Mr. Williams, a black employee of his ~~constitutional~~ rights which under similar circumstances were accorded to white employees which violated his Title VII Section 703.
16. Mr. Williams was deprived of his civil rights because of his race in order to discriminate against him in favor of less educated, qualified white employees and was paid a starting salary less than whites during the course of his employment.
17. Mr. Williams was deprived of such rights by; the promotion of less educated and qualified white employee, white applicants with less experience and education was hired as a crane operator, by not positing positions and according white employees with better treatment in respect to job duties, time off, and disciplinary actions.

WHEREFORE, plaintiff respectfully requests that the court grants the Plaintiff damages and any other relief at law or equity

Respectfully submitted this the 19th day of June, 2007.

  
\_\_\_\_\_  
Norman Hurst Jr. (HUR016)  
Attorney for the Plaintiff  
462 Sayre Street  
Montgomery, Alabama 36104  
(334) 269-6449

CV-07-984

State of Alabama  
Unified Judicial System

Form AR Civ P-93 Rev. 5/99

COVER SHEET  
CIRCUIT COURT - CIVIL CASE  
(Not For Domestic Relations Cases)

Case Number:

CV                

Date of Filing:

Judge Code:

Month Day Year

## GENERAL INFORMATION

IN THE CIRCUIT COURT OF Montgomery, ALABAMANATHANIEL WILLIAMS  
Plaintiffv. FOLEY PIPE PRODUCTION COMPANY  
et al., DefendantFirst Plaintiff  Business  Individual  
 Government  OtherFirst Defendant  Business  Individual  
 Government  Other

NATURE OF SUIT: Select primary cause of action, by checking box (check only one) that best characterizes your action:

## TORTS: PERSONAL INJURY

- WDEA - Wrongful Death
- TONG - Negligence: General
- TOMV - Negligence: Motor Vehicle
- TOWA - Wantonness
- TOPL - Product Liability/AEMLD
- TOMM - Malpractice-Medical
- TOLM - Malpractice-Legal
- TOOM - Malpractice-Other
- TBFM - Fraud/Bad Faith/Misrepresentation
- TOXX - Other: \_\_\_\_\_

## OTHER CIVIL FILINGS (cont'd)

- MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve
- CVRT - Civil Rights
- COND - Condemnation/Eminent Domain/Right-of-Way
- CTMP - Contempt of Court
- CONT - Contract/Ejectment/Writ of Seizure
- TOCN - Conversion
- EQND - Equity Non-Damages Actions/Declaratory Judgment/Injunction/Election Contest/Quiet Title/Sale For Division
- CVUD - Eviction Appeal/Unlawful Detainer
- FORJ - Foreign Judgment
- FORF - Fruits of Crime Forfeiture
- MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
- PFAB - Protection From Abuse
- FELA - Railroad/Seaman (FELA)
- RPRO - Real Property
- WTEG - Will/Trust/Estate/Guardianship/Conservatorship
- COMP - Workers' Compensation
- CVXX - Miscellaneous Circuit Civil Case

## TORTS: PROPERTY INJURY

- TOPE - Personal Property
- TORE - Real Property

## OTHER CIVIL FILINGS

- ABAN - Abandoned Automobile
- ACCT - Account & Nonmortgage
- APAA - Administrative Agency Appeal
- ADPA - Administrative Procedure Act
- ANPS - Adults in Need of Protective Services

ORIGIN (check one):

 INITIAL FILING APPEAL FROM  
DISTRICT COURT OTHER: \_\_\_\_\_ REMANDED TRANSFERRED FROM  
OTHER CIRCUIT COURTCIRCUIT COURT OF  
MONTGOMERY COUNTY  
2007 JUN 19 PM 4:56

HAS JURY TRIAL BEEN DEMANDED?

 YES  NO

Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P., for procedure)

RELIEF REQUESTED:

 MONETARY AWARD REQUESTED NO MONETARY AWARD REQUESTED

ATTORNEY CODE:

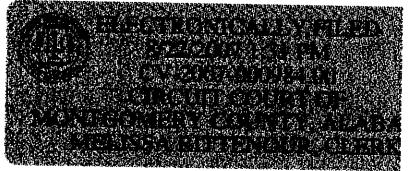
1142016

Date

7-19-07

Signature of Attorney/Party filing this form

MEDIATION REQUESTED:  YES  NO  UNDECIDED



**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA**

WILLIAMS NATHANIEL

Plaintiff

v.

FOLEY PIPE PRODUCTION CO

SAPONE BOB

VICK STEVE

Defendants

)

)

)

)

)

)

)

)

)

**Case No.: CV-2007-000984.00**

**ORDER**

IT IS HEREBY ORDERED THAT THIS MATTER IS SET FOR A NON JURY TRIAL AT 9:00AM IN  
COURTROOM 3-C OF THE MONTGOMERY COUNTY COURTHOUSE.  
DONE this 22nd day of August, 2007

/s WILLIAM A. SHASHY

---

CIRCUIT JUDGE



**AlaFile E-Notice**

**03-CV-2007-000984.00**

Judge: WILLIAM A. SHASHY

To: FOLEY PIPE PRODUCTION CO (PRO SE)  
1091 SCOTT DRIVE  
CLANTON, AL 35045

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## **NOTICE OF ELECTRONIC FILING**

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**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA**

**NATHANIEL WILLIAMS VS. FOLEY PIPE PRODUCTION CO, ET AL**  
**03-CV-2007-000984.00**

The following matter was FILED on 8/22/2007 1:31:02 PM

Notice Date: 8/22/2007 1:31:02 PM

**MELISSA RITTENOUR**  
**CIRCUIT COURT CLERK**  
**MONTGOMERY COUNTY, ALABAMA**  
**251 S. LAWRENCE STREET**  
**MONTGOMERY, AL 36102**

334-832-4950



**AlaFile E-Notice**

**03-CV-2007-000984.00**

Judge: WILLIAM A. SHASHY

To: SAPONE BOB (PRO SE)  
1091 SCOTT DRIVE  
CLANTON, AL 35045

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## **NOTICE OF ELECTRONIC FILING**

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**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA**

**NATHANIEL WILLIAMS VS. FOLEY PIPE PRODUCTION CO, ET AL**  
**03-CV-2007-000984.00**

The following matter was FILED on 8/22/2007 1:31:02 PM

Notice Date: 8/22/2007 1:31:02 PM

**MELISSA RITTENOUR**  
**CIRCUIT COURT CLERK**  
**MONTGOMERY COUNTY, ALABAMA**  
**251 S. LAWRENCE STREET**  
**MONTGOMERY, AL 36102**

334-832-4950



**AlaFile E-Notice**

**03-CV-2007-000984.00**

Judge: WILLIAM A. SHASHY

To: VICK STEVE (PRO SE)  
1091 SCOTT DRIVE  
CLANTON, AL 35045

1081  
1081

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## **NOTICE OF ELECTRONIC FILING**

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**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA**

**NATHANIEL WILLIAMS VS. FOLEY PIPE PRODUCTION CO, ET AL**  
**03-CV-2007-000984.00**

The following matter was FILED on 8/22/2007 1:31:02 PM

Notice Date: 8/22/2007 1:31:02 PM

**MELISSA RITTENOUR  
CIRCUIT COURT CLERK  
MONTGOMERY COUNTY, ALABAMA  
251 S. LAWRENCE STREET  
MONTGOMERY, AL 36102**

334-832-4950



**AlaFile E-Notice**

**03-CV-2007-000984.00**

Judge: WILLIAM A. SHASHY

To: HURST NORMAN JR  
462 A SAYRE ST  
MONTGOMERY, AL 36104

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## **NOTICE OF ELECTRONIC FILING**

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**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA**

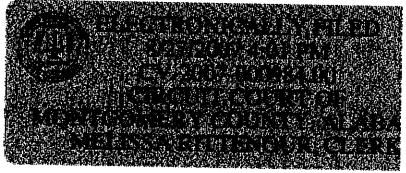
**NATHANIEL WILLIAMS VS. FOLEY PIPE PRODUCTION CO, ET AL**  
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MONTGOMERY COUNTY, ALABAMA  
251 S. LAWRENCE STREET  
MONTGOMERY, AL 36102**

334-832-4950



**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA**

WILLIAMS NATHANIEL

Plaintiff )  
              )

v.

)

**Case No.: CV-2007-000984.00**

)

FOLEY PIPE PRODUCTION CO

)

SAPONE BOB

)

VICK STEVE

)

Defendants )

**ORDER**

IT IS HEREBY ORDERED THAT THIS MATTER BE SET FOR A NON JURY TRIAL ON DECEMBER 3, 2008 AT 9:00AM IN COURTROOM 3-C OF THE MONTGOMERY COUNTY COURTHOUSE.  
DONE this 27th day of August, 2007

/s WILLIAM A. SHASHY

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CIRCUIT JUDGE



**AlaFile E-Notice**

**03-CV-2007-000984.00**

Judge: WILLIAM A. SHASHY

SHASHY  
To: FOLEY PIPE PRODUCTION CO (PRO SE)  
1091 SCOTT DRIVE  
CLANTON, AL 35045

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**NOTICE OF ELECTRONIC FILING**

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**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA**

**NATHANIEL WILLIAMS VS. FOLEY PIPE PRODUCTION CO, ET AL**  
**03-CV-2007-000984.00**

The following matter was FILED on 8/27/2007 4:01:59 PM

Notice Date: 8/27/2007 4:01:59 PM

**MELISSA RITTENOUR**  
**CIRCUIT COURT CLERK**  
**MONTGOMERY COUNTY, ALABAMA**  
**251 S. LAWRENCE STREET**  
**MONTGOMERY, AL 36102**

334-832-4950



## AlaFile E-Notice

03-CV-2007-000984.00

Judge: WILLIAM A. SHASHY

To: SAPONE BOB (PRO SE)  
1091 SCOTT DRIVE  
CLANTON, AL 35045

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334-832-4950



## AlaFile E-Notice

03-CV-2007-000984.00

Judge: WILLIAM A. SHASHY

RA-S  
To: VICK STEVE (PRO SE)  
1091 SCOTT DRIVE  
CLANTON, AL 35045

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## NOTICE OF ELECTRONIC FILING

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## AlaFile E-Notice

03-CV-2007-000984.00

Judge: WILLIAM A. SHASHY

To: HURST NORMAN JR  
462 A SAYRE ST  
MONTGOMERY, AL 36104

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

NATHANIEL WILLIAMS VS. FOLEY PIPE PRODUCTION CO, ET AL  
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## AlaFile E-Notice

**03-CV-2007-000984.00**

Judge: WILLIAM A. SHASHY

To: HURST NORMAN JR  
462 A SAYRE ST  
MONTGOMERY, AL 36104

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## NOTICE OF SERVICE

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**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA**

**NATHANIEL WILLIAMS VS. FOLEY PIPE PRODUCTION CO, ET AL**  
**03-CV-2007-000984.00**

The following matter was served on 10/8/2007

**D001 FOLEY PIPE PRODUCTION CO**  
**AUTHORIZED SERVICE**

**MELISSA RITTENOUR**  
**CIRCUIT COURT CLERK**  
**MONTGOMERY COUNTY, ALABAMA**  
**251 S. LAWRENCE STREET**  
**MONTGOMERY, AL 36102**

334-832-4950



## AlaFile E-Notice

03-CV-2007-000984.00

Judge: WILLIAM A. SHASHY

To: HURST NORMAN JR  
462 A SAYRE ST  
MONTGOMERY, AL 36104

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## NOTICE OF SERVICE

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IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

NATHANIEL WILLIAMS VS. FOLEY PIPE PRODUCTION CO, ET AL  
03-CV-2007-000984.00

The following matter was served on 9/5/2007

**D002 SAPONE BOB**  
**AUTHORIZED SERVICE**

**MELISSA RITTENOUR**  
**CIRCUIT COURT CLERK**  
MONTGOMERY COUNTY, ALABAMA  
251 S. LAWRENCE STREET  
MONTGOMERY, AL 36102

334-832-4950



## AlaFile E-Notice

03-CV-2007-000984.00

Judge: WILLIAM A. SHASHY

To: HURST NORMAN JR  
462 A SAYRE ST  
MONTGOMERY, AL 36104

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## NOTICE OF SERVICE

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**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA**

**NATHANIEL WILLIAMS VS. FOLEY PIPE PRODUCTION CO, ET AL**  
**03-CV-2007-000984.00**

The following matter was served on 10/8/2007

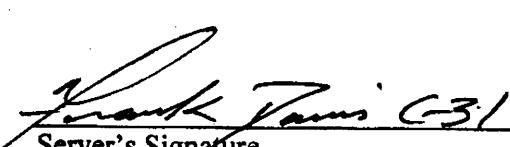
**D003 VICK STEVE**  
**AUTHORIZED SERVICE**

**MELISSA RITTENOUR**  
**CIRCUIT COURT CLERK**  
MONTGOMERY COUNTY, ALABAMA  
251 S. LAWRENCE STREET  
MONTGOMERY, AL 36102

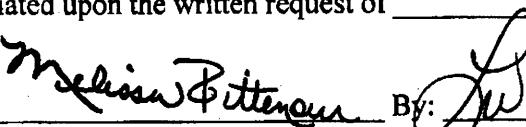
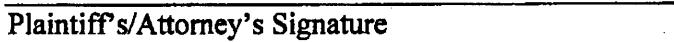
334-832-4950

WAS

N/C 10-05-07 E-15

State of Alabama Unified Judicial System Form C-34 Rev 6/88	SUMMONS -CIVIL-	Case Number CV-07-984
IN THE <u>CIRCUIT</u> COURT OF <u>MONTGOMERY COUNTY</u>		
Plaintiff <u>NATHANIEL WILLIAMS</u> v. Defendant <u>BOB SAPONE</u>		
NOTICE TO <u>1091 SCOTT DRIVE, CLANTON, AL 35045</u>		
<p>THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF OR PLAINTIFF'S ATTORNEY <u>NORMAN HURST</u> WHOSE ADDRESS IS <u>462 SAYRE STREET, MONTGOMERY, AL 36104</u></p>		
<p>THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN <u>30</u> DAYS AFTER THIS SUMMONS IS DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.</p>		
TO ANY SHERIFF OR ANY PERSON AUTHORIZED by the Alabama Rules of Civil Procedure:		
<input type="checkbox"/> You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant.		
<input type="checkbox"/> Service by certified mail of this summons is initiated upon the written request of <u>Nathan Pittman</u> pursuant to the Alabama Rules of Civil Procedure.		
Date <u>8/27/07</u> By: <u>JKW</u> Clerk/Register		
<input type="checkbox"/> Certified Mail is hereby requested.		
Plaintiff's/Attorney's Signature 		
RETURN ON SERVICE:		
<input type="checkbox"/> Return receipt of certified mail received in this office on _____ (Date) _____		
<input checked="" type="checkbox"/> I certify that I personally delivered a copy of the Summons and Complaint to <u>Julia</u> County, <u>Thomas</u> in <u>Chilton</u> Alabama on <u>October 8, 2007</u> (Date)		
Date <u>October 8, 2007</u> Address of Server <u>500 2nd AVE N Clanton</u>		
Server's Signature  Type of Process Server _____		

WPS

State of Alabama Unified Judicial System Form C-34 Rev 6/88	SUMMONS -CIVIL-	Case Number CV-07-984
IN THE <u>CIRCUIT</u> COURT OF <u>MONTGOMERY</u> COUNTY		
Plaintiff <u>NATHANIEL WILLIAMS</u> v. Defendant <u>STEVE VICK</u> D3		
NOTICE TO <u>1091 SCOTT DRIVE, CLANTON, AL 35045</u>		
<p>THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF OR PLAINTIFF'S ATTORNEY <u>NORMAN HURST</u> WHOSE ADDRESS IS <u>462 SAYRE STREET, MONTGOMERY, AL 36104</u></p>		
<p>THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN <u>30</u> DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.</p>		
TO ANY SHERIFF OR ANY PERSON AUTHORIZED by the Alabama Rules of Civil Procedure		
<input type="checkbox"/> You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant.		
<input type="checkbox"/> Service by certified mail of this summons is initiated upon the written request of _____ pursuant to the Alabama Rules of Civil Procedure.		
Date <u>8/27/07</u>	 Clerk/Register 	
<input type="checkbox"/> Certified Mail is hereby requested.		
Plaintiff's/Attorney's Signature 		
RETURN ON SERVICE:		
<input type="checkbox"/> Return receipt of certified mail received in this office on _____.		
<input checked="" type="checkbox"/> I certify that I personally delivered a copy of the Summons and Complaint to <u>Julia</u> <span style="float: right;">(Date)</span> <u>Thomas</u> in <u>Chilton</u> County, Alabama on <u>October 8, 2007</u> <span style="float: right;">(Date)</span>		
<u>October 8, 2007</u> Date  <u>500 2nd Ave N Clanton</u> Address of Server		
Server's Signature  Type of Process Server		

**EXHIBIT 3**

**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA**

**NATHANIEL WILLIAMS, *RECEIVED*)**

**Plaintiff,**

*2007 OCT 26 A 8:40*

**v.**

**CIVIL ACTION NO.**  
**CV-2007-000984.00**

**FOLEY PIPE PRODUCTION COMP., )**  
**BOB SAPONE AND STEVE VICK, )**

**Defendants.**)

**DEFENDANTS' NOTICE OF FILING OF NOTICE OF REMOVAL**  
**WITH UNITED STATES DISTRICT COURT**

**TO:** Melissa Rittenour, Clerk  
Circuit Court of Montgomery County, Alabama  
251 South Lawrence Street  
Montgomery, Alabama 36104

Please take notice that on October 26, 2007, Defendants Foley Products Company, incorrectly named as "Foley Pipe Production Comp.," Steve Vick and Bob Sapone, filed a Notice of Removal of this action with the United States District Court for the Middle District of Alabama, Northern Division. A copy of the Notice of Removal is attached to this notice. You are hereby further notified that a copy of Defendants' Notice of Removal has been delivered to counsel for Plaintiff via First Class United States mail, postage prepaid, addressed to Norman Hurst, Jr., Esq., 462A Sayre Street, Montgomery, Alabama 36104.

*Steven M. Stastny*  
\_\_\_\_\_  
STEVEN M. STASTNY  
ASB-7803-S71S

*Susan W. Bullock*  
\_\_\_\_\_  
SUSAN W. BULLOCK  
ASB-2035-U81S

Counsel for Defendants

**OF COUNSEL:**

FORD & HARRISON LLP  
2100 3<sup>rd</sup> Ave. N., Ste. 400  
Birmingham, AL 35203  
Tel. (205) 244-5900  
Fax (205) 244-5901

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 26<sup>th</sup> day of October, 2007 served a copy of the foregoing document, Defendants' Notice of Filing of Notice of Removal with United States District Court, upon the all counsel of record indicated below by mailing a copy of same via first-class United States Mail, postage prepaid and addressed as follows:

Norman Hurst, Jr., Esq.  
462A Sayre Street  
Montgomery, Alabama 36104

*Steven M. Stastny*  
\_\_\_\_\_  
OF COUNSEL

Birmingham: 18300.1

Court Name: U S DISTRICT COURT - AL/M  
Division: 2  
Receipt Number: 4602000962  
Cashier ID: cstrecke  
Transaction Date: 10/26/2007  
Payer Name: FORD AND HARRISON LLP

**CIVIL FILING FEE**

For: FORD AND HARRISON LLP  
Case/Party: D-ALM-2-07-CV-000963-001  
Amount: \$350.00

**CHECK**

Remitter: FORD AND HARRISON LLP  
Check/Money Order Num: 1439  
Amt Tendered: \$350.00

Total Due: \$350.00  
Total Tendered: \$350.00  
Change Amt: \$0.00

DALM207CV000963-WKW

WILLIAMS V FOLEY PIPE ET AL

FORD AND HARRISON LLP

505 20TH STREET NORTH STE 1201

BIRMINGHAM, AL 35203